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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,153	04/01/2004	Massimiliano Buzzetti	Q80435	7357
23373	7590	10/05/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			FAISON, VERONICA F	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,153	BUZZETTI, MASSIMILIANO	
	Examiner Veronica F. Faison	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 6, line 35, recites “1,3-butilenglycol”,

On page 7, line 1, recites “butandiole”,

On page 7, line 1, recites “2-3-propilenglycol”,

On page 7, line 1, recites “neopnethylic”,

One page 7, line 2, recites “esylenic”,

In example 1 and 3 recites “styrene”, and

In example 4 recites “acrylic” and “polivinylpirrolidone”

All of these appear to be misspells.

Appropriate correction is required..

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Thompson et al (US Patent 4,726,845).

Thompson et al teaches a writing ink composition having a pseudoplasticity index value between about 0.02 and 0.18, a low-shear viscosity between about 25,000 and 120,000 cP and a high-shear viscosity between about 6 and 26 cP (abstract and col. 2

line 66-col. 3 line 5). The reference further teaches at least one pseudoplastic resin and a carrier medium for the resin and a method comprising the steps of (1) adding a predetermined amount of the pseudoplastic resin to an organic liquid to produce a slurry of the resin; (2) mixing the resin slurry with a solvent comprising water and/or solvent and then (3) adding a colorant to the dispersion (col. 3 lines 30-40). The pseudoplastic resin may be a resin mixture which may comprise xanthan gum (col. 36-65). Any desired corrosion inhibitor, smoothing agents, biocides and other conventional additives may be added to the composition (col. 8 lines 4-6). The composition as taught by Thompson et al appears to anticipate the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent 4,726,845).

Thompson et al is describes above, but fails to teach tenside agent and specific viscosity control system range set forth in claim 7. Therefore it would have been obvious to one of ordinary skill in the art to add a tenside agent to the composition because Thompson et al teaches conventional additives may be employed and the range set forth in claim 7 is a conventional known range absence evidence to the contrary.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US Patent 5,712,328).

Inoue et al teaches an aqueous ball point ink composition comprising coloring materials and/or precolored emulsion resin, water-soluble organic solvent, pseudoplastic imparting agent and water (abstract and 52-57). The reference further teaches that the precolored emulsion resin includes an acrylic resin (col. 3 lines 6-19). The pseudoplastic imparting agent may be selected from polysaccharides such as xanthan gum and semi-synthetic cellulose polymers, which is broad enough to encompass hydrophobe modified cellulose absence evidence to the contrary, which is present in the amount of the 0.1 to 0.5 by weight (col. 3 line 66-col. 4 line 15). In the claims the reference teaches that more than one pseudoplastic imparting agent may be used. The reference remains silent to the viscosity. However, it is the position of the Examiner that when the ink composition as taught by Inoue et al is subjected to the same conditions as claimed by Applicant that the viscosity would be the same absence evidence to the contrary.

### ***Conclusion***

The remaining references listed on forms 892 and 1449 have been reviewed by the Examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica F. Faison whose telephone number is 571-

272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Veronica F. Faison